

By: Representative Williams-Barnes

To: Education

## HOUSE BILL NO. 823

1 AN ACT TO AMEND SECTION 37-11-53, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE EACH SCHOOL DISTRICT THAT USES AN ALTERNATIVE TO  
3 SUSPENSION, AS IDENTIFIED IN ITS DISTRICT'S DISCIPLINE PLAN, TO  
4 SUBMIT A REPORT BY JULY 31 OF EACH CALENDAR YEAR TO THE STATE  
5 DEPARTMENT OF EDUCATION; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 37-11-53, Mississippi Code of 1972, is  
8 amended as follows:

9 37-11-53. (1) A copy of the school district's discipline  
10 plan shall be distributed to each student enrolled in the  
11 district, and the parents, guardian or custodian of such student  
12 shall sign a statement verifying that they have been given notice  
13 of the discipline policies of their respective school district.  
14 The school board shall have its official discipline plan and code  
15 of student conduct legally audited on an annual basis to insure  
16 that its policies and procedures are currently in compliance with  
17 applicable statutes, case law and state and federal constitutional  
18 provisions. As part of the first legal audit occurring after July  
19 1, 2001, the provisions of this section, Section 37-11-55 and



20 Section 37-11-18.1 shall be fully incorporated into the school  
21 district's discipline plan and code of student conduct.

22 (2) All discipline plans of school districts shall include,  
23 but not be limited to, the following:

24 (a) A parent, guardian or custodian of a  
25 compulsory-school-age child enrolled in a public school district  
26 shall be responsible financially for his or her minor child's  
27 destructive acts against school property or persons;

28 (b) A parent, guardian or custodian of a  
29 compulsory-school-age child enrolled in a public school district  
30 may be requested to appear at school by the school attendance  
31 officer or an appropriate school official for a conference  
32 regarding acts of the child specified in paragraph (a) of this  
33 subsection, or for any other discipline conference regarding the  
34 acts of the child;

35 (c) Any parent, guardian or custodian of a  
36 compulsory-school-age child enrolled in a school district who  
37 refuses or willfully fails to attend such discipline conference  
38 specified in paragraph (b) of this \* \* \* subsection may be  
39 summoned by proper notification by the superintendent of schools  
40 or the school attendance officer and be required to attend such  
41 discipline conference; and

42 (d) A parent, guardian or custodian of a  
43 compulsory-school-age child enrolled in a public school district  
44 shall be responsible for any criminal fines brought against such



student for unlawful activity occurring on school grounds or buses.

(3) Any parent, guardian or custodian of a compulsory-school-age child who (a) fails to attend a discipline conference to which such parent, guardian or custodian has been summoned under the provisions of this section, or (b) refuses or willfully fails to perform any other duties imposed upon him or her under the provisions of this section, shall be guilty of a misdemeanor and, upon conviction, shall be fined not to exceed Two Hundred Fifty Dollars (\$250.00).

(4) Any public school district shall be entitled to recover damages in an amount not to exceed Twenty Thousand Dollars (\$20,000.00), plus necessary court costs, from the parents of any minor under the age of eighteen (18) years and over the age of six (6) years, who maliciously and willfully damages or destroys property belonging to such school district. However, this section shall not apply to parents whose parental control of such child has been removed by court order or decree. The action authorized in this section shall be in addition to all other actions which the school district is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents, for damages to which such minor or other person would otherwise be liable.

(5) A school district's discipline plan may provide that as an alternative to suspension, a student may remain in school by



70 having the parent, guardian or custodian, with the consent of the  
71 student's teacher or teachers, attend class with the student for a  
72 period of time specifically agreed upon by the reporting teacher  
73 and school principal. If the parent, guardian or custodian does  
74 not agree to attend class with the student or fails to attend  
75 class with the student, the student shall be suspended in  
76 accordance with the code of student conduct and discipline  
77 policies of the school district. Each school district that uses  
78 an alternative to suspension, as authorized in this subsection,  
79 shall submit a report by July 31 of each calendar year to the  
80 State Department of Education detailing the number of times the  
81 alternative to suspension was used. The data shall be  
82 disaggregated as follows:

- 83           (a) By infraction or offense;  
84           (b) By race, gender and age of the student;  
85           (c) By the period of time specifically agreed upon by  
86 the reporting teacher and the school principal; and  
87           (d) The length of time that the parent, legal guardian  
88 or custodian actually attended class with the student.

89           **SECTION 2.** This act shall take effect and be in force from  
90 and after July 1, 2018.

